

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

AUG 02 2004

Jerome J. Hall / #100102386

Full Name/Prisoner Number

100 John Dantis Rd SWAlbuquerque NM 87151

Complete Mailing Address

IN THE UNITED STATES DISTRICT COURT ^{CLERK}
FOR THE DISTRICT OF NEW MEXICOCivil Action No. **CIV - 04 - 0873 JH RLP**
(To be supplied by the Court)
(jury trial requested)Jerome J. Hall #100102386

Plaintiff(s),

Full name(s) and prisoner number(s)
(Do not use *et al.*)

v.

the City of Albuquerque Albuquerque Police Department(APD)Unknown Named Police Officers(APD), Defendant(s).
(Do not use *et al.*) To be sued in individual(private) and official capacities.**PRISONER'S CIVIL RIGHTS COMPLAINT****A. PARTIES AND JURISDICTION**1. Jerome J. Hall is a citizen of New Mexico who
(Plaintiff) (State)presently resides at BCMDG 100 John Dantis Rd SW Albuquerque NM 87151
(mailing address or place of confinement)2. Defendant the City of Albuquerque is a citizen of New Mexico
(name of first defendant) (State)whose address is One Civic Plaza NW Albuquerque NM 87102,and who is employed as officers of APD. At the time the claim(s)
(title and place of employment)

alleged in this complaint arose, was this defendant acting under color of state law?

☒ Yes ☐ No. If your answer is "Yes," briefly explain:

Defendants are/were officers of the Albuquerque Police Department (APD).

3. Defendant Albuquerque Police Department (APD) is a citizen of New Mexico
(name of second defendant) (State)

whose address is 400 Roma NW Albuquerque NM 87102

and who is employed as officers of APD At the time the claim(s)
(title and place of employment)

alleged in this complaint arose, was this defendant acting under color of state law?

☒ Yes ☐ No. If your answer is "Yes," briefly explain:

Defendants are/were officers of the Albuquerque Police Department (APD).

(If more space is needed to furnish the above information for additional defendants, continue on a blank sheet which you should label "A. PARTIES." Be sure to include each defendant's complete address and title.) See attachment labeled "A. PARTIES" Unknown Named Police Officers (APD).

(CHECK ONE OR BOTH:)

☒ Jurisdiction is asserted pursuant to 42 U.S.C. § 1983 (for state defendants) or *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971) and 28 U.S.C. § 1331 (for federal defendants).

☐ Jurisdiction also is invoked pursuant to 28 U.S.C. § 1343(a)(3). (If you wish to assert jurisdiction under different or additional statutes, you may list them below.)

B. NATURE OF THE CASE

BRIEFLY state the background of your case. This is a complaint for police misconduct and discrimination.

On 9-2-02, I was stopped by officers of the Albuquerque Police Department (APD) at which time I was severely and repeatedly beaten and electroshocked/burned with a stungun by officers of APD. I complied with commands given to me by an officer of APD during an unwarranted stop. I sustained numerous burns and injuries which required hospitalization and surgery. I was not arrested or charged with a crime at the time of incident but, taken by paramedics called to the scene to a nearby hospital.

C. CAUSE OF ACTION

I allege that the following of my constitutional rights, privileges, or immunities have been violated and that the following facts form the basis of my allegations: (If more space is needed to explain any allegation or to list additional supporting facts, continue on a blank sheet which you should label "D. CAUSE OF ACTION.")

Claim I: 5th Amendment Claim (Deprivation of rights under cover of law.)

Violation of the 4th and 14th Amendments of the U.S. Constitution (Illegal
search and seizure.)

Supporting Facts: (Include all facts you consider important, including names of persons involved, places, and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.) On 9-2-02, I was detained by officers of the Albuquerque Police Department (APD) twice within a short period of time. During the first stop, I was walking on Central Avenue near the Knob Hill area, the officer when questioned why I was being detained stated, "For a warrant check." I was subsequently cleared and released but, told in the form of a threat to "Get off Central (Ave.) !" Shortly thereafter, I was stopped again without cause on Central Ave. where I was badly beaten and repeatedly shocked with a high voltage stungun which caused severe burns and pain.

Claim II: Violation of the 4th and 14th Amendments of the U.S. Constitution

(False arrest.) Violation of the 5th and 14th Amendments of the U.S. Constitu-
tion (Denied due process.)

Supporting Facts: On 9-2-02, after I was beaten and electroshocked/burned by officers of the Albuquerque Police Department (APD), I was then transported to a nearby hospital by paramedics called to the scene. I was neither arrested nor charged with a crime at the time of incident. Several days later, I was then charged with Criminal Trespass, Public Nuisance, Resisting Arrest and Disorderly Conduct and arrested on a warrant for failure to appear in court. Upon arraignment I requested a speedy trial but, was released the following day under a guilty plea.

Claim III: 8TH Amendment Claim (Cruel and unusual punishment.)

Supporting Facts: On 9-2-02, I was severely and repeatedly beaten and electroshocked/burned with a high voltage stungun by officers of the Albuquerque Police Department which resulted in psychological trauma as well as physical injury. The stungun was used as a means of torture by officers of APD. It was used numerous times on my body including my face, stomach, back, neck, shoulders, thigh, ear, and calf leaving 3rd degree burns and disfiguring me with permanent scarring. I have since experienced excruciating pain during my recovery, numerous hospital visits and one (1) surgical procedure. I am currently taking medication to help me sleep since I still experience flashbacks and nightmares associated with this incident.

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment? ____ Yes x No. If your answer is "Yes," describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits using this same format on a blank sheet which you should label "E. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF.")

a. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

b. Name and location of court and docket number _____

c. Disposition of lawsuit. (For example, was the case dismissed? Was it appealed? Is it still pending?)

d. Issues raised: _____

e. Approximate date of filing lawsuit: _____

f. Approximate date of disposition: _____

2. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part D. ____ Yes x No.

If your answer is "Yes," briefly describe how relief was sought and the results.

3. I have exhausted available administrative remedies. ____ Yes x No. If your answer is "Yes," briefly explain the steps taken. Attach proof of exhaustion. If your answer is "No," briefly explain why administrative remedies were not exhausted. None were sought.

E. PREVIOUSLY DISMISSED ACTIONS OR APPEALS

1. If you are proceeding under 28 U.S.C. § 1915, please list each civil action or appeal you have brought in a court of the United States while you were incarcerated or detained in any facility that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Please describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a blank sheet which you should label "F. PREVIOUSLY DISMISSED ACTIONS OR APPEALS."

a. Parties to previous lawsuit: N/A

Plaintiff(s): _____

Defendant(s): _____

b. Name and location of court and docket number _____

c. Grounds for dismissal: () frivolous () malicious () failure to state a claim upon which relief may be granted.

d. Approximate date of filing lawsuit: _____

e. Approximate date of disposition: _____

2. Are you in imminent danger of serious physical injury? x Yes ____ No. If your answer is "Yes," please describe the facts in detail below without citing legal authority or argument.

I have been beaten by officers of the Albuquerque Police Department (APD) before and my life has been threatened on numerous occasions. I am also currently on probation in Albuquerque, New Mexico which further increases my risk and vulnerability to harassment, arrest, etc.

G. REQUEST FOR RELIEF

I request the following relief:

- 1.) \$20 million dollars.
- 2.) Termination of probation in the state of New Mexico without possibility of extradition.
- 3.) Lifetime healthcare coverage for all related injuries and/or conditions physical and/or mental existing currently or becoming known at a future date.


Prisoner's Original Signature

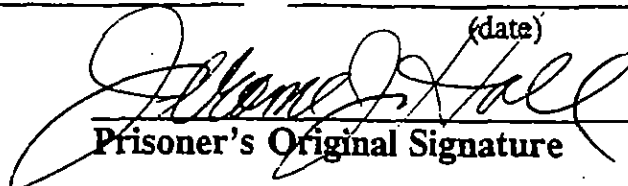
Original signature of attorney (if any)

Attorney's full address and telephone

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is true and correct. 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed at BCMDC 100 John Dantis SW ALBQ NM 87151 on 7-20-04
(location) (date)


Prisoner's Original Signature